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OGC:LRH:jeb
23 July 1958

MEMORANDUM FOR: Director of Central Intelligence

**SUBJECT: Analysis of Agency Congressional Relations
and Proposals for Joint Committee on
Intelligence**

1. This memorandum contains a recommendation in paragraph ____
for approval of the Director of Central Intelligence.

2. The Central Intelligence Agency has the fundamental problem
common to all Executive agencies of establishing relations with the
Congress in order to inform the Congress appropriately and to obtain
from the Congress the necessary authorities and funds. There are,
however, four major aspects of the problem, none of which is
experienced by other Executive agencies.

a. While many agencies have security problems, CIA
is the only one where security applies to such basic matters as
personnel, budgets, organization, and expenditures. Information on
these matters is withheld from the public and given under strict
security wraps to but a very limited number of congressmen. This
breeds suspicion and distrust on the part of congressmen not informed,
many of whom are still unaware that a limited number are fully
informed on these matters. The security problem, therefore, is
different in nature as well as degree from that of other Executive

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agencies and is a large element in promoting the Joint Committee idea.

b. The end product of the Agency is the finished intelligence prepared for the top policy makers of the Executive Branch. Sound arguments can be made that such finished intelligence is the exclusive property of the President in view of his responsibility for the conduct of foreign affairs. While the Congress has a legitimate interest in knowing whether they are getting a valuable return for the funds they appropriate, there is a serious question whether they have a legitimate interest in the substance of that product. ~~The~~ intelligence is a major influence in policy decisions but is by no means the only one, and the final decision may be based upon capabilities, commitments, or other overriding features which will lead to a direction contrary to that indicated by intelligence. To provide the Congress with the intelligence information alone could well lead to serious political difficulties in which the Agency would be caught squarely between the Executive and Legislative Branches.

c. CIA is different from other Executive agencies in that they ~~it~~ can deal with the Congress each representing its entire functional responsibility whereas CIA is merely the focal point of the functional intelligence community in which are components of other departments and agencies which have their own direct responsibility to the Congress. This presents a formidable jurisdictional problem, and, while it is one for the Congress to resolve, it is pertinent to our consideration of the Agency's congressional relations.

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d. CIA is charged with the conduct of covert operations which, while related to the intelligence function, are not basically an intelligence activity and are carried out in accordance with policy directives from those Executive elements involved in the national security and in the conduct of foreign affairs. In the case of congressional consideration of such activities, there would be involved policy considerations for which CIA does not have the responsibility.

3. In view of the problems outlined above, no one existing committee of the Congress has full jurisdiction over the central intelligence function. Outside of the Appropriations Committee, the Armed Services and Foreign Relations Committees have the most obvious claim to jurisdiction. The Government Operations Committees have legitimate interests, and such Committees as the Judiciary and the Joint Committee on Atomic Energy have at least a peripheral interest. In practice, responsibility has been assigned to Subcommittees of the Armed Services Committees of both Houses.

4. We will attempt to appraise the relative merits of handling CIA legislative problems under the present system and under a Joint Committee system.

5. Under the present system security on the Subcommittee has been excellent, but it must be assumed that a properly established Joint Committee will be equally secure. The problem of its staff will be discussed later. The present Subcommittees have not been able to

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dispel the growing distrust and suspicion of CIA. This results primarily from lack of time, certainly not from any lack of desire to support CIA. In fact, some congressmen do not know the Subcommittees have been established and many do not know that they hold hearings and are briefed by the Agency. Individual members have spoken up to defend CIA in Committee and on the Floor, but there is no concerted program of doing so. The establishment of a Joint Committee would in itself serve to lessen some of the suspicions, and its reports to the Houses would probably satisfy the desire to know that CIA is being looked at. Furthermore, it would be incumbent on a Joint Committee to look after CIA's interests in the many ways they could be affected by congressional activities. On our over-all congressional relations, therefore, the Joint Committee would probably be better than the present system of separate Subcommittees.

6. The establishment of a Joint Committee might well have some adverse affect on relations with foreign intelligence services but probably this would be of short duration as they could be brought to understand that fundamentally nothing had been changed.

7. On the question of producing finished intelligence on demand of the Congress, there would seem to be little difference in the fundamental problem between Subcommittees and a Joint Committee. However, so far the Subcommittees have shown no intention of raising this issue, although it may come up at any time. There is more likelihood of a Joint Committee

raising the issue as most of the Resolutions specify that such a Joint Committee would go into the coordination and utilization of intelligence as well as the problem of gathering it. While the Joint Committee might, therefore, be more insistent than the present arrangement, on the other hand it would be the sole point of debate whereas at present other Committees, such as Foreign Relations, are not clearly precluded from demanding such intelligence. On this point, therefore, there seems no preference as between the present organization and the Joint Committee.

8. On the question of jurisdiction there are certain advantages to be seen in a Joint Committee. At present other committees can claim jurisdiction over certain matters pertaining to CIA, and such claim might not be successfully opposed by the Subcommittees. For instance, if we want legislation relating to personnel it might well have to be handled by the Post Office and Civil Service Committees. The Joint Committee as proposed in most Resolution would probably claim exclusive jurisdiction in all matters except appropriations. All CIA affairs, therefore, would be handled by a knowledgeable, secure committee. On this point the balance points somewhat to a Joint Committee.

9. On the question of covert operations, again there seems to be little basic difference in dealing with the Subcommittees or with a Joint Committee. However, the existence of a Joint Committee would tend to bring the issue in focus. So far the Subcommittees have not seriously considered policies under which CIA conducts its covert activities. A

Joint Committee could almost certainly be expected to study such problems more carefully and might well be critical of policies, instructions, or particularly limitations put on by State or Defense. The problem of such policy guidance is delicate enough without having a third party, particularly a congressional group, enter a debate. So, on balance, the Subcommittees system may be preferable from this point of view, although there is nothing to prevent the problem from arising with them also.

10. Some benefits from a Joint Committee, therefore, appear in connection with the specific points discussed above. Other general points would probably also appear with the Joint Committee. In the first place it would be the duty of the members to familiarize themselves with the intelligence function, its organization, and its problems. This cuts both ways. It would tend to insure a sympathetic hearing when CIA might come to Congress for help, but on the other hand an informed Joint Committee would probably want to raise many questions and to involve themselves in the many subtle problems of the complex intelligence structure. A Joint Committee would almost certainly get into the over-all intelligence budgets and questions of duplication and jurisdiction. Of course, the present Subcommittees have begun to probe into the over-all cost of intelligence and could conceivably be just as active as a Joint Committee, but it is not as probable as it would be with a Joint Committee.

11. Some of the above problems are sharpened by the fact that a Joint Committee would have its own staff. Presently the staffs working with the Subcommittees have as much as they can handle in the way of work for other defense activities and tend to leave CIA alone. A staff for a Joint Committee, however, even if it were one man, would have but a small portion of its time taken up with the few legislative problems this Agency has. There is little doubt that the staff's time would, therefore, be devoted to informing itself on intelligence activities and inquiring into substantive matters. The staff in turn would promote the interest in Committee members and we could expect a far more active give and take than exists between the Agency and the Subcommittees. This would be time consuming and the probable detriments would probably tend to outweigh the benefits, as the increased security exposure and the tendency of the Joint Committee to interfere would probably have more affect than any support we might wish the Committee to have. However, the problem of the staff is not insoluble and the selection thereof would probably be worked out by mutual agreement between the Chairman and the Director.

12. Since this analysis indicates that there is little to choose between the present Subcommittees system and a Joint Committee system, it might well, in view of the pressures mounting in the Congress, to move towards a Joint Committee idea rather than taking a purely negative or even neutral position. It is recommended that this analysis be forwarded to the President's Committee on Intelligence for their views on indicating the acceptance of a Joint Committee concept.

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